II. REMARKS

Drawings

1.   The examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they did not include the reference sign 728 in Fig. 8 mentioned in the description. Applicant submits that reference sign 728 appeared in the original drawings but was not referenced in the specification. The reference sign 728 has been removed from the drawing sheet containing FIG. 8.

Specification

2.   The examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter, specifically "program product" and "computer usable medium." Applicant has amended the paragraph beginning at line 9 on page 7 to include the following sentence (inserted at line 18 on page 7): "[p]ersons skilled in the art are aware that such programs, when installed on a removable disk, a CD-ROM, or a USB storage device may be referred to as a program product stored on a computer readable medium." No new matter has been entered because "removable disk," "CD-ROM," and "USB storage device" were identified as storage devices on which programs identified in the specification and in FIG. 2 could be stored. Moreover, the terms program product and "computer readable medium:" were present in the original claims as filed with the original patent specification.

Claim Rejections – 35 USC § 101

3. The examiner rejected claims 17-50 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant has amended the claims to overcome the examiner's rejection.

Claim Rejections – 35 USC § 102

4. The examiner rejected claims 1-2 and 17-18 under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (US Patent No. 7,148,991 B2, hereinafter "Suzuki").

Claims 1 and 17

Suzuki discloses a job scheduling system for print processing. Applicant disagrees with the examiner's contention that Suzuki discloses a priority queue, determining the priority of each of the plurality of documents, and when one of the documents is a high priority, interrupting the printing of another document. Applicant submits that priority has a well known meaning to persons skilled in the art. For example, the *IBM Dictionary of Computing*, McGraw Hill, 10th Ed. 1993 defines "priority" as '(1) a rank assigned to a task that determines its precedence in receiving system resources" and "(2) the relative significance of one job to other jobs in competing for allocation of resources." *IBM Dictionary of Computing*, page 529. Applicant uses the term "priority" in its ordinary meaning. Thus the issue is whether or not Suzuki discloses assigning a priority to each of a plurality of documents and then using the priority to automatically cause an action to take place.

The examiner's basis for asserting that Suzuki discloses assigning a "priority" to documents, appears to be based on the use of the term "acceptance-completion type sequential

processing jobs." The examiner specifically stated "note that acceptance-completion type sequential processing jobs are jobs that are sequential or prioritized." (7/6/07 Office Action, page 4). The examiner further stated "[n]ote that the hold queue prioritized the print jobs." *Id.* Thus the examiner's argument appears to be based on equating the terms "prioritized" and "sequential." Applicant submits that the ordinary meaning of "sequential" is not the same as "prioritized." For example, the *IBM Dictionary of Computing* states that "sequential" means "(1) pertaining to a process in which all events occur one after the other, without any time lapse between them," or "(2) [p]ertaining to the occurrence of events in time sequence with no simultaneity or overlap." *IBM Dictionary of Computing*, page 610.

Suzuki defines "acceptance completion type sequential processing" as follows:

> In the acceptance completion type sequential processing, a document processing request is not issued until all of the documents which form the job are received. In the non-acceptance completion type sequential processing, processing requests are issued in the order in which the documents are received. .... In the acceptance completion type sequential processing, it is necessary to wait the issue of a processing request until all of the documents are received, which in turn delays scheduling and renders the overall processing time longer. Suzuki Col. 1: 49-65

Suzuki uses the word "priority" one time in the entire specification. In column 33, lines 15-17, Suzuki states "when the job 5 returns to the printer queue 22-2, the job is queued at the head of the queue or a priority position thereafter." Susuki is referring to a document that has been in a "password input wait state" and so a priority position is only given in regard to this occurrence. This is not the same as applicant's <u>user assigned</u> priority. The fact that Suzuki uses the term priority but once in a 68 column and 48 drawing sheet specification indicates that Suzuki knew the ordinary meaning of "priority" and used it only once because that was the only situation in which "priority" could be used (as a result of a reinsertion in a queue after a timeout or wait occurrence).

The examiner's other basis for finding "priority" in Susuki is that the "hold queue prioritized the print jobs." But this argument is also based on the term "acceptance-completion type sequential processing." The examiner cited Suzuki 17:9-13 which states "[i]f the job is acceptance-completion type sequential processing job, the job is transferred to the spool queue 18. The examiner cites Suzuki 16: 62-17:2 which also refers to "acceptance-completion type sequential processing."

Claims 2 and 18

The examiner's rejection of claims 2 and 18 was based upon Suzuki 18:18-28. That portion of Suzuki discloses a hold queue and a determination of whether a job is an acceptance-completion type sequential processing job. But Suzuki does not disclose resuming printing of a suspended document after a high priority document has printed because Suzuki does not disclose suspension of printing based upon a priority designation.

Claim Rejections – 35 USC § 103

5.   The examiner rejected claims 3, 5, 8-9, 15-16, 19, 21, 24-25, 31-32, 33-37, 39, 42-43, and 49-50 under 35 U.S.C. 103(a) as being unpatentable over Suzuki as applied to claims 1 and 17, and futher in view of Christodoulou et al. (US Publication 2002/0159092, "Christodoulou") and Ferlitsch et al. (US Publication 2004/0190042, "Ferlitsch").

Claims3, 19, and 37

Ferlitsch does not disclose "separating each of the plurality of document pages into a plurality of print jobs based on the required printer type of each document page." Rather Ferlitsch discloses "detect[ing] a multiple sheet print job and selectively redirect[ing] some of the sheets to an alternate printing device (e.g., document or copy splitting)." The selection of an alternate printing device is not done based on specific requirements of the selected sheets as applicant claims but rather assumes that all of the sheets have the same printer requirements.

Claims 5, 21, and 39

Suzuki does not disclose "distributing one of the plurality of document pages to a specific printer holding queue," and " wherein the required printer for the distributed document page is a specific printer. The cited portion of Suzuki, 18:34-37 discloses storing a job in a corresponding printer queue—but the job is for a document. Suzuki does not disclose distributing "document pages" to a queue for a specific printer.

Claims 15, 31, 49

Suzuki does not disclose "printing a control page with each print job and wherein the control page contains printed instructions for reassembling the document." The examiner cites Suzuki Col 7:64-66 and Col. 8: 50-60 for this disclosure. But Suzuki is referring to computerized control which "controls the processing request issued to the job execution section in such a way that a specified number of copies of the job are output using the information which specified a job output method." Suzuki 7: 66-8:3. The plain language of applicant's claim describes printing an instruction sheet for manual re-assembly of the documents after various pages have been sent to different printers.

Claims 16, 32 and 50

Suzuki does not disclose "wherein the appropriate printer is determined using a print farm profile." The examiner argues that applicant's defined term "print farm profile" means data for the printer. The entire definition as it appears in applicant's specification is set forth below.

> As used herein, the term "print farm profile" means data for at least one printer including the number, size, type, and other properties of print jobs in the print queue for the printer, the printer speed, amount of paper in the printer bin, and other properties concerning the printer. (Specification, page 6, lines 13-15)

Suzuki simply does not disclose a print farm profile that includes the information set forth in the defined term.

Claims 35 and 36

The examiner's rejection of claims 35 and 36 is based upon the interpretation of priority set forth by the examiner. As explained above, Suzuki does not disclose "priority" as used in applicant's claims.

Claims 4, 20, and 38

Ferlitch does not disclose "reassembling the plurality of printed print jobs to produce a finished document." The examiner cited Ferlitch, paragraph 104, lines 1-12, but this section of Ferlitch discloses that the user inputs "print job settings" such as sheet assembly, collation, paper selection, output trays, rendering and finishing. But Ferlitch does not specifically disclose assembly of print jobs from different printers into a single finished document.

6.   The examiner rejected claims 6-7, 22-23, and 40-41 under 35 U.S.C. 103(a) as being unpatentable over Suzuki and Christodoulou and Ferlitsch as applied to claim 5, and further in view of Wong et al. (US Application No. 2004/0179219 A1, "Wong").

Claims 6, 22 and 40

Wong does not teach "wherein the specific printer is a printer containing letterhead."

Rather Wong paragraph [0005] discloses that "the user would want draft paper or letterhead

available to the printing device" when "a print mode and the print media available on a printing

device are not optimized for the printing properties of a print job."

<p style="text-align:center">Claims 7, 23, 41</p>

Wong [005] lines 7-10 does not teach "wherein the specific printer is a photographic

printer" for the same reasons stated above.

7.   The examiner rejected claims 10, 26, and 44 under 35 U.S.C. 103(a) as being

unpatentable over Suzuki and Christodoulou and Ferlitsch as applied to claim 3, and further in

view of Kujirai et al. (US Patent No. 7,072,071 B2, "Kujirai").

<p style="text-align:center">Claims 10, 26, 44</p>

Kujirai 15:17-23, 28-35 does not teach "comparing each print job to a printer page

threshold." Kujirai discloses a threshold value for a number of sheets per block in regard to

bookbinding printing. The threshold is not sued to select a printer, but rather to determine how a

bookbinding function is performed.

8.   The examiner rejected claims 11-14, 27-30, and 45-48 under 35 U.S.C. 103(a) as being

unpatentable over Suzuki and Christodoulou and Ferlitsch as applied to claim 3, and further in

view of Yoshikawa (US Patent No. 6,132,116, "Yoshikawa").

Applicant distinguishes over Suzuki for the reasons set forth above, and therefore, the

claims depend from allowable independent claims.

Conclusion

9.   Applicant submits that the claims distinguish over the art cited by the examiner for the reasons set forth above.

Respectfully submitted,

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